



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

MAR 25 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. James M. Clabby
JMC Environmental Consultants, Inc.
571 W. Lake Avenue, Suite 2
Bay Head, New Jersey 08742

**Re: Engineering and Monitoring Plan
Arsynco, Inc. Site
Carlstadt, New Jersey**

Dear Mr. Clabby:

By letter dated July 16, 2009, Arsynco accepted the conditions of the United States Environmental Protection Agency's (EPA's) February 12, 2009 Approval (the Approval) for the risk-based disposal of polychlorinated biphenyl (PCB) remediation waste for portions of the Arsynco site located in Carlstadt, New Jersey. As stipulated in the Approval, all remedial and monitoring work shall be performed in accordance with an Engineering and Monitoring Plan (EMP) approved in advance by EPA. An EMP was enclosed for EPA's review and approval with your letter dated September 30, 2009. Please be advised that the EPA has several comments on the EMP, which are explained below.

The Project Schedule Milestones, as presented in section 4 of the EMP, requires updating. Specifically, the Proof of Financial Assurance for Perpetual Monitoring and Maintenance has not yet been submitted to EPA. Written assurance that EPA representatives may enter the site to perform inspections or to collect samples, although required by paragraph 8 of the Approval, has also not been received.

The Approval requires that the construction of the TSCA cap follow the "Cap Specification for PCB Remediation" document, dated October 4, 2004. Section 3.2.3 of the EMP, "Preparation, Grading & Cap Construction in TSCA Disposal Areas," does not reference this document.

Although the Approval requires EPA notification within five days of any exceedance of the PCB action level found in samples taken of the groundwater, section 3.2.7.1 of the EMP, "Monitoring Well Installation and Sampling," identifies a seven day notification period.

The Approval requires an Annual Report to be submitted to EPA by July 1 of each year. Although the recordkeeping/reporting requirements at 40 C.F.R. § 761.180(a) are listed in the Approval, they are not listed or referenced in section 3.2.7.2 of the EMP, "Inspection and Maintenance Obligations & Annual Report to EPA."

The Approval stipulates that EPA must approve the number, depths, and locations of the groundwater monitoring wells to be installed at least 30 days in advance. This requirement has been omitted in section 3.3.1 of the EMP, "Permits and Approvals."

The sections of the EMP that detail post excavation sampling, sections 3.2.1.3 and 3.2.2.3, reference New Jersey Department of Environmental Protection (NJDEP) requirements as a guide for determining sampling frequencies to verify completion of the self-implementing cleanup. Typically, EPA's requirements are more stringent than the NJDEP requirements. Federal regulations pertaining to sampling for verification of the completion of self-implementing cleanup and on-site disposal of bulk PCB remediation waste can be found at 40 C.F.R. § 761.283.

Please provide a more detailed sampling plan, including a map which shows the targeted number, location, and depths of the proposed samples.

Finally, in addition to the above comments on the EMP, EPA has a question on the current site activities as reported in the second quarterly report, dated January 18, 2009. This report indicates that site activities to date have included clearing Tract 1 of heavy brush and trees. Since most of the higher concentrations of PCBs were found in Tract 1, please provide EPA with any disposal characterization sampling results of the disturbed soils and vegetative debris (e.g., root balls), and documentation of how the waste was disposed.

Based on the above comments, EPA cannot approve the Engineering and Monitoring plan for the risk-based disposal of PCB remediation waste at the Arsynco site at this time. If you have any questions or would like to discuss this further, please contact Ms. Vickie Pane of my staff at 732-321-6798.

Sincerely,

Daniel Kraft

John Gorman
Acting Chief,
Pesticides and Toxic Substances Branch

cc: Linda Taylor, NJDEP
John Larocca, Arsynco